

REMARKS

This communication is a full and timely response to the final Office Action dated March 12, 2009. Claims 1-17 remain pending, where claims 7-9 are withdrawn. By this communication, claims 1 and 2 are amended, and claims 16 and 17 are added. Support for the amended subject matter can be found, for example, at page 8, lines 11-13 and in the paragraph bridging pages 8 and 9 of Applicant's disclosure.

In numbered paragraph 1 on page 2 of the Office Action, claims 1-6 and 10-15 were objected to for alleged informalities. Applicant respectfully traverses this rejection. However, in an effort to expedite prosecution claims 1 and 2 are amended to address the Examiner's concerns. Withdrawal of this objection is respectfully requested.

In the Office Action, the Examiner variously rejected Applicant's claims under 35 U.S.C. §102. Particularly, in numbered paragraph 3 on page 3 of the Office Action, claims 1-6 and 10-15 are alleged to be anticipated by Applicant's Admitted Prior Art ("APA"); and in numbered paragraph 4 on page 4 of the Office Action, claims 1-3 and 6 are allegedly anticipated by *Kasai et al.* Applicant respectfully traverses these rejections.

As described in a previous response, Figures 2 and 3 illustrate exemplary embodiments in which a high frequency circuit has a ceramic substrate 2 with conductive RF signal tracks 6 and 7 formed in a first conductive layer of the substrate 2. A ground plane 10 is formed in a second conductive layer of the substrate, and stub walls 12 are formed in an outer ring track and an inner wall track of the substrate 2. Vias 11 extend from the RF ground plane 10 to upper surfaces of

the stub walls 12. Further stub walls 13 are formed on the lower surface of the substrate with additional vias extending between ground plane 10. See Applicant's disclosure, pg 8, line 1 through pg. 9, line 5.

In the application of both *APA* and *Kasai*, the Examiner alleges that the conductive tracks 6,7 as described in *APA* and the wiring layer 26 described by *Kasai* are analogous to Applicant's claimed stub wall. Applicant disagrees, as the Examiner's interpretation of "stub wall" as recited in the claims is inconsistent with the manner in which this term is described in Applicant's disclosure.

Particularly, Applicant's disclosure provides a clear distinction between conductive signal tracks 6, 7 (wiring) and the stub walls. **Signal tracks 6, 7 are described as being formed in a first conductive layer of the substrate.** See *Id.*, pg. 8, lines 3-5. The stub walls are described as being formed in the outer track region of the substrate and at one or more other locations on the internal surface of the substrate. **The stub walls are also described as protruding from the surface of the substrate.** See *Id.*, pg. 9, lines 11-16.

Applicant is fully aware that during examination claims must be given their broadest reasonable interpretation. This "interpretation", however, must be consistent with Applicants' Specification. *Phillips v. AWH Corp.*, 415 F.3d 1403 75 USPQ2d 1321 (Fed. Cir. 2005). In *Phillips*, the Court found that when employing the "broadest reasonable interpretation" standard, **the PTO determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction "in light of the specification as it would be interpreted of one of ordinary skill in the art."** *In Re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 [70 USPQ2d 1827] (Fed. Cir.

2004). Indeed, the rules of the PTO require that application claims must "conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support for antecedent basis in a description so that the meaning of the terms in the claims may be ascertainable by reference to the description." 37 CFR 1.75 (d)(1), 415 F.3d at 1316, 75 USPQ2d at 1329.

Given the guidance provided in Applicant's disclosure, one of ordinary skill would understand that "stub walls" are interchangeable with or analogous to conductive tracks. For one, the conductive tracks are formed in a first conductive layer and as is known in the art would generally be laid to a thickness measured in microns. Secondly, the stub walls are formed in and protrude from the surface of the substrate as a result of a firing process.

Even assuming *arguendo* that the stub walls could reasonably be interpreted as being analogous to the conductive tracks as the Examiner alleges, the processing of the substrate with the stub walls ("tracks") would result in the tracks being flattened or eroded until the tracks were substantially even with the surface of the substrate. Consequently, the processing would leave no wall to which the adhesive could be applied or on which the lid is aligned as recited in Applicant's applying and placing steps of claim 1.

In sum, Applicant respectfully submit that *APA* and *Kasai* fail to disclose or suggest Applicant's claimed providing a ceramic substrate step as recited in claim 1. Even when interpreted broadly and in a manner that is consistent with the guidance provided in Applicant's disclosure, one of ordinary skill would find clear distinctions between Applicant's claimed stub wall and conductive tracks (wiring) as described in

APA and *Kasai*. Because the Specification gives clear and concise guidance regarding the structural characteristics of the stub walls and the conductive tracks, Applicant submits that any reasonable interpretation of the claims would not result in the mapping of the recited features to *APA* and *Kasai* as alleged by the Examiner. For these reasons, a *prima facie* case of anticipation has not been established.

To properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. See Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *APA* and *Kasai* are not anticipatory of Applicant's claims since they do not meet the requirements as established by the judiciary. Accordingly, withdrawal of all rejections under 35 U.S.C. §102 is respectfully requested.

Claims 16 and 17 are newly added and are dependent from independent claim 1. Applicant respectfully submits that these claims are distinguishable over the art of record by virtue of the arguments presented above and/or because of the additional features recited therein. Therefore, favorable consideration and allowance are respectfully requested.

Conclusion

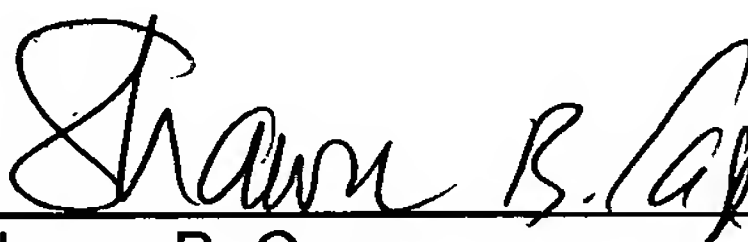
By the foregoing amendments and remarks, Applicant respectfully submits that claims 1-6 and 10-17 are allowable and this application is in condition for allowance. In the event the Examiner believes that unresolved issues remain, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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Date: June 12, 2009

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